

UNITED STATES DISTRICT COURT

for
NORTHERN DISTRICT OF CALIFORNIA
San Jose Venue

FILED
JUN 11 2008

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE, CALIFORNIA

**Request to Modify the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Patrick J. Sahli Docket No.: CR 07-00720-01 JW

Name of Sentencing Judge: William B. Shubb
United States District Judge

Date of Original Sentence: June 23, 2004

Original Offense:

Count 1 (03CR458): Mail Fraud, 18 U.S.C. § 1341, a Class B felony
Count 2 (03CR458): Mail Fraud, 18 U.S.C. § 1341, a Class B felony
Count 1 (04CR075): Mail Fraud, 18 U.S.C. § 1341, a Class B felony

Original Sentence: 37 months custody; 36 months supervised release

Special Conditions: \$300 special assessment; \$903,330.79 restitution; drug/alcohol treatment; mental health treatment; access to financial information; search

Jurisdiction was transferred from Eastern District of California to Northern District of California effective November 5, 2007.

Type of Supervision: Supervised Release
Assistant U.S. Attorney: Patrick K. Hanly

Date Supervision Commenced: May 4, 2007
Defense Counsel: Hill C. Snellings
(Retained)

Petitioning the Court

To modify the conditions of supervision as follows: The defendant shall perform 100 hours of community service as directed by the probation officer. The defendant shall perform his community service work specifically with the Mothers Against Drunk Driving organization.

Cause

<u>Charge Number</u>	<u>Violation</u>
One	There is probable cause to believe that the offender violated supervised release mandatory condition that he shall not commit another federal, state, or local crime, in that the on February 11, 2008, he was arrested under California Vehicle Code - 23152(a) Driving Under the Influence and 23152(b) Driving with a 0.08% or Higher Blood Alcohol.

On February 11, 2008, a State Park Ranger observed the offender driving in the slow lane pass over the right hand white line delineating the slow lane from the shoulder. The vehicle swerved back onto the shoulder, nearly exiting the shoulder into the dirt. He also observed another vehicle in the fast lane drive out of the fast lane into the far left shoulder to avoid being hit by the offender. The Park Ranger initiated a traffic stop and contacted California Highway Patrol for assistance. The officers detected an odor of alcohol from the interior of the vehicle. The offender failed a series of pre-field sobriety test questions. The presence of ethyl alcohol was detected on serial #018466 with two weak breath samples given two minutes apart that were manually trapped. The results were .142% and .127%.

Evidence of this violation may be obtained in the California Highway Patrol Driving Under the Influence Arrest - Investigative Report #36850HQ, the Department of Parks and Recreation Supplemental report #282-001-835, and in the Santa Cruz Superior Court Docket #S227490.

On March 27, 2008, he pled nolo contendere and was sentenced to three days county jail with credit two days, enroll in and complete First Offender Drinking Driver Program for three months.

Patrick J. Sahli has completed 12 months of 36 months supervision. During this time, he has followed the instructions of this probation officer and has complied with all other conditions of supervision. He has re-established employment assisting a realtor agent in Carmel, CA. Mr. Sahli was very ashamed and humbled by what has transpired, especially by suffering the loss of his son by an alcohol related accident many years ago. The offender believes participating in community service through the Mother's Against Drunk Driving (MADD) organization, will help him in dealing with his loss and alcoholism. Therefore, this officer recommends that his conditions of supervised release be modified to include 100 hours of community service work, specifically at the MADD organization. The offender appears amenable to supervision and is aware that any future violation of this nature will result in further court action.

Patrick James Sahli
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The Assistant U.S. Attorney John Glang and Defense Counsel Nick Humy have been notified and there are no objections.

Address of offender: 537 Middlefield Drive
Aptos, CA 95003

Respectfully submitted,

Reviewed by:

Esmerelda Gupton

Esmerelda Gupton
U.S. Probation Officer

Susan Portillo

Susan Portillo
Supervisory U.S. Probation Officer

Date Signed: May 5, 2008

~~THE COURT ORDERS:~~

- To modify the conditions of supervision as follows: The defendant shall perform 100 hours of community service as directed by the probation officer. The defendant shall perform his community service work specifically with the Mothers Against Drunk Driving organization.
- Submit a request for warrant
- Submit a request for summons
- Other:

Date

May 30, 2008

James Ware
James Ware
United States District Judge

UNITED STATES DISTRICT COURT
 for
NORTHERN DISTRICT OF CALIFORNIA

Defendant Name: Patrick J. Sahli
 Docket No.: CR 07-00720-1 JW

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term Of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel", I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The defendant shall perform 100 hours of community service as directed by the probation officer. The defendant shall perform his community service work specifically with the Mothers Against Drunk Driving organization.

continued on next page

I declare under penalty of perjury under the laws of the United States of America that the foregoing information is true and correct and that this declaration was executed on the date indicated at San Jose.

Signed: Patrick James Sahli
 Probationer or Supervised Releasee

Date: 3.25.08

Witness: Esmilda Gupton
 Esmilda Gupton
 U.S. Probation Officer

Date: 3/25/08

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

USA,

Plaintiff,

v.

PATRICK J. SAHLI,

Defendant.

Case Number: CR 07-00720-01 JW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 11, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

United States Attorney's Office
150 Almaden Blvd Ste 900
San Jose CA 95113

Federal Public Defender's Office
160 W. Santa Clara Street Ste 575
San Jose CA 95113

Esmerelda Gupton
United States Probation
280 South First Street
San Jose CA 95113

June 11, 2008

Richard W. Wiking, Clerk

Elizabeth C. Garcia
By: Elizabeth C. Garcia, Deputy Clerk